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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,421	09/08/2003	Jordan Cohen	112855.122 (US2)	9023

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WILMERHALE/BOSTON
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BOSTON, MA 02109

EXAMINER
SHAH, PARAS D

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
11/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/657,421	COHEN ET AL.
	Examiner	**Art Unit**	
	Paras Shah	2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>18 October 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same d ay as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of App eal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires_____months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the pied of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismi ssal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of fil ing a brief, will <u>not</u> be entered because

- (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b)☐ They raise the issue of new matter (see NOTE below);
- (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final acti on, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.
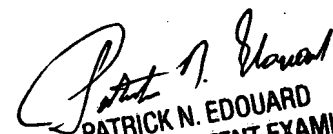
<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No.20071031

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argumen ts have been fully considered but do not place the application in condition for allowance.

The applicant argues that the implementation of the system as proposed by Lumelsky would not make sense to make such a system implemented on a handheld device. The reasons the Applicant cites is that handheld devices are merely designed for mobility and not continuous ability. The second reason cited is the Cameron reference does not provide network repository for accessing data. The final argument presented is that there would be no economic sense to provide storage on a handheld device due to the high cost involved. The Examiner traverses all of these stated arguments.

In response to the first argument, the examiner cites col. 7, lines 26 -30. In the cited section, it is described that the user terminal for which the radio is integrated is mobile and can be place on cellular phone equipment. It is known hat a mobile device can be a handheld device as denoted by the definition of mobile device. In response to the sec ond argument, the examiner would like to cite page 6, 2nd full paragraph. In the cited portions, it is described that a wireless port exists. This wireless terminal is used to download data or programs. Due to the use of a wireless port, the use of a wirel ess network is made obvious in order to retrieve the specific data. Lumelsky uses a similar method of extraction. Namely, a data network that is a wireless data network for retrieving specific data. Further, the economic reasoning with use of a wireless p ort allows data retrieval without high burden on the device or system as shown in the Lumelsky and Cameron reference with use of wireless data network for data retrieval. Hence, the combination does make sense to one skilled in the art. Further, the limita tion of handheld as recited in the preamble does not have patentable weight as it merely alleges an intended use of the system in a handheld component.

The final argument presented by the Applicant involves that the Lumelsky reference does not have any ne ed for speaker identification since a text version is supplied and its use would serve no purpose. The Examiner traverses this argument by stating that although a text version is supplied, this is merely used to perform a speech output based on prosody par ameters extracted from the narrator (see Figure 2A. The use of the secondary reference Marasak, suggests that prosody and speech recognition can be performed on the input (see Figure 1). The use of speech recognition allows semantical relationships and sta tistical information for the speech elements to be obtained (see [0040]. The use of speech recognition allows the enhancement of quality of personality description (see [0031]). Hence, the use of speech recognition when used in combination with the TTS sys tem of Lumelsky allows a more enhanced and robust speech synthesis of the output that closely resembles the narrator's voice.

PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER

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